



NIH099.001C1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Luyten et al.
Appl. No.	: 09/574,819
Filed	: May 19, 2000
For	: CARTILAGE-DERIVED MORPHOGENETIC PROTEINS
Examiner	: Romeo, David S.
Group Art Unit	: 1647

**SUPPLEMENTAL DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO
OVERCOME CITED PUBLICATION UNDER 37 CFR § 1.131**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. This declaration is to establish completion of the invention of this application in the United States at a date prior to 25 March 1994, which we understand is the effective filing date of U.S. Patent 5,658,882 to Celeste et al., which we understand was cited by the examiner. We incorporate by reference the declarations mailed on 09/29/2003, 07/08/2004, and 12/02/2005 to swear behind 14 April 1994, the date that appeared on Storm et al. Nature 368:639-643 (1994), which we understand was previously cited by the examiner. The date of 25 March 1994 is only about 3 weeks before the date of 14 April 1994.

2. The persons making this declaration are the named co-inventors.

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3. We affirm that the declaration mailed 09/29/2003 shows the completion of a partial bovine DNA sequence encoding a partial amino acid sequence comprising the amino acid sequence of SEQ ID NO: 24 and that the acts performed by Applicants described therein did occur before the date of 25 March 1994.

4. We affirm that the declaration mailed 07/08/2004 shows completion of the bovine species of the claimed invention and that the acts performed by Applicants described therein did occur before the date of 25 March 1994.

5. We affirm that the declaration mailed 12/02/2005 shows completion of a partial *Xenopus* DNA sequence encoding a partial amino acid sequence comprising the amino acid sequence of SEQ ID NO: 24 and that the acts performed by Applicants described therein did occur before the date of 25 March 1994.

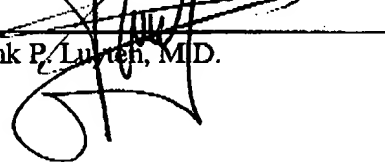
6. From these declarations, it can be seen that the invention described in the application was made at a date prior to 25 March 1994.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application and any patent issued thereon.

Respectfully submitted,

Dated: May 15, 2006

By: 
Frank P. Luyten, M.D.

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Filed : May 19, 2000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application and any patent issued thereon.

Respectfully submitted,

Dated: May 11, 2006

By: Malcolm Moos, Jr., M.D., Ph.D.
Malcolm Moos, Jr., M.D., Ph.D.

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Filed : May 19, 2006

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application and any patent issued thereon.

Respectfully submitted,

Dated: 5/15/06

By: 

Steven C. Chang, M.D.

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05/06